REMARKS/ARGUMENTS

Claims 61, 63-66, 68, 69, 76-84 and 86 are pending in this application and stand rejected on various grounds. Claims 1-60, 62, 67, 70-75 and 85 have been cancelled.

Claims Rejections Under 35 U.S.C. § 103(a)

Claims 61, 63-66 and 76-79 have been rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 7,094,566 to Medlock et al. It is the position of the Examiner that because Medlock allegedly discloses an IL-17E ligand and methods of treating a condition using antibodies the bind IL-17E, it makes obvious the present invention. Applicants traverse since Medlock's alleged earliest effective filing date is March 16, 2000 while the present application has an earlier effective filing date of January 11, 2000. Thus, Medlock is unavailable as prior art.

As Applicants pointed out in their response dated January 16, 2007, due to claim scope amendments, Applicants amended the priority claim for the instant application to remove specific applications. As seen from the amendment to the priority claim on page 2 of the response dated January 16, 2007, the present application claims priority to a series of continuation/continuation-in-part applications through two family lines. The two family lines converge with U.S. application 09/908,827, filed July 18, 2001. U.S. provisional application 60/175,481 ('481) and PCT application PCT/US00/23328 ('328), which published as WO/2001/016318 ('318) are the earliest applications filed in each family line and both contain sufficient disclosure to support the currently claimed subject matter. Please see Exhibit 1 for U.S. provisional application 60/175,481.

The '481 application, filed January 11, 2000, provides sufficient support for the currently claimed subject matter at least, for example, at pages 55, line 5 through page 66, line 25. The disclosures describe exemplary anti-PRO10272 (IL-17E) antibodies including polyclonal, monoclonal, humanized, bispecific and heteroconjugate antibodies. In addition, in Example 7 at page 77, line 13 through page 78, line 14, methods of preparing anti-PRO10272 antibodies are disclosed. Furthermore, at page 66, lines 17-21, the disclosures describe treatment of various

inflammatory diseases, certain autoimmune diseases and various bone disorders involving bone resorption, using anti-PRO10272 antibodies.

The '328 application, with an international filing date of August 24, 2000 further provides support for the currently claimed subject matter at least, for example at page 24, lines 8-16 of the '318 publication, regarding antagonistic antibodies and their fragments as suitable antagonistic molecules. Furthermore, at page 67, line 23 through page 72, line 34 anti-PRO antibodies including polyclonal, monoclonal, humanized, bispecific and heteroconjugate antibodies are disclosed and at page 74, line 11 through page 75, line 10, antibodies that bind PRO proteins of the invention are shown to be able to be administered for the treatment of various disorders in the form of pharmaceutical compositions.

Because the '481 and '328 applications are the earliest applications filed in each of the two family lines, each of the subsequently filed applications in those lines contain at least as much disclosure regarding the currently claimed subject matter.

Therefore, because the '481 application has a filing date of January 11, 2000, and Medlock has an apparent earliest effective filing date of March 16, 2000, Medlock is unavailable as prior art and the rejection of claims 61, 63-66 and 76-79 should be withdrawn.

Claims 68 and 80 have been rejected under 35 U.S.C. §103(a) as allegedly obvious over Medlock in view of Coligan et al. (Current Protocols in Immunology, 1991, pages 2.5.1 to 2.5.7). Claims 69 and 81 have been rejected as allegedly obvious over Medlock in view of U.S. Patent No. 6,075,181 to Kucherlapati et al. Claims 82-84 and 86 have been rejected as allegedly obvious over Medlock in view of Sandhu (Critical Reviews in Biotech, 12:437-462 (1992). None of the references, however, remedy the deficiencies of Medlock, thus the rejections should be withdrawn.

Coligan discloses general methods for producing monoclonal antibodies with high specificity. Kucherlapati discloses methods for producing monoclonal antibodies with fully human variable regions. Sandhu discloses general methods for producing humanized monoclonal antibodies as well as Fab and Fv fragments using hybridoma technology.

However, neither Coligan, nor Kucherlapti nor Shalaby, either alone or in combination, remedy the deficiencies of Medlock since none teach or suggest a method of treating a degenerative cartilaginous disorder in a mammal by administering a therapeutically effective

amount of an antagonistic antibody or fragment thereof that binds the polypeptide of SEQ ID NO:6 to a mammal suffering from such a disease, as required by claim 61.

Furthermore, neither Coligan, nor Kucherlapti nor Shalaby, either alone or in combination, remedy the deficiencies of Medlock since none teach or suggest a method of treating a degenerative cartilaginous disorder by administering a therapeutically effective amount of an antagonistic antibody or fragment thereof wherein the antibody or fragment a) binds to the polypeptide having at least 85% sequence identity to SEQ ID NO:6 and b) inhibits the loss of cartilage, as required by claim 76.

Therefore the rejection of claims 68, 69, 80, 81, 82-84 and 86 should be withdrawn.

Statement of Related Cases

Applicants request the Examiner to consider the following cases which are related to the present application:

U.S. Application Serial No. 10/408,305 filed April 7, 2003;

U.S. Application Serial No. 10/458,573 filed June 10, 2003;

U.S. Application Serial No. 11/802,794 filed May 25, 2007;

U.S. Application Serial No. 11/907,315 filed October 11, 2007;

U.S. Application Serial No. 11/907,316 filed October 11, 2007;

U.S. Application Serial No. 11/907,754 filed October 17, 2007;

U.S. Application Serial No. 11/976,812 filed October 29, 2007;

U.S. Application Serial No. 11/976,813 filed October 29, 2007;

U.S. Application Serial No. 12/188,054 filed August 7, 2008;

U.S. Application Serial No. 12/214,762 filed June 19, 2008.

Other U.S. patents or published applications related to the present application have been cited by US patent or publication number in IDS(s) of record. Applicants request that the Office consider each of these related patents or applications with respect to the present application.

CONCLUSION

In conclusion, the present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Should there be any further issues outstanding, the Examiner is invited to contact the undersigned agent at the telephone number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **07-1700** (referencing Attorney's Docket No. **GNE-0290.041**).

Respectfully submitted,

Date: 10/27/08

By: _____
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